

DOCKET NO: 246871US6DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIDEYUKI NOJIRI : EXAMINER: DESAI, ANISH P.
SERIAL NO: 10/743,864 :
FILED: DECEMBER 24, 2003 : GROUP ART UNIT: 1788
FOR: DOUBLE EYELID FORMING TAPE :
OR STRING AND METHOD OF
MANUFACTURING THE SAME

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Hideyuki Nojiri, citizen of Japan, hereby declare and state that:

1. I am the sole inventor of U.S. Application No. 10/743,864.
2. On February 3, 2011, at artsbrains co. Ltd (representative director: Hideyuki Nojiri), 10th Floor, Yoyogi place, 5-23-15, Sendagaya, Shibuya-ku, Tokyo, Japan, I performed the experiments and achieved the results described below.
3. The purpose of my experiments was to prove differences between the double eyelid forming tape according to the invention described in U.S. Application No. 10/743,864 and a surgical drape of Hodgson (U.S. Patent No. 3,645,835) and a cosmetic tape of Clavin (U.S. Patent No. 4,653,483), respectively, by conducting experiments with formation of a double eyelid using three kinds of tapes: a product according to this invention (“mezaik

stretch fiber”; hereinafter referred to as “sample 1”); a medical tape (a product corresponding to Hodgson; hereinafter referred to as “sample 2”); and a cosmetic tape (a product corresponding to Clavin; hereinafter referred to as “sample 3”).

4. The experiments were performed as follows: the above-mentioned three kinds of tapes (samples 1-3) were pushed against an eyelid of an examinee (a Japanese woman in her twenties having single eyelids) while being stretched so as to be adhered onto the eyelid in accordance with a method of forming a double eyelid by using a double eyelid forming tape, the method being described in specification of U.S. Application No. 10/743,864. Then, results of the experiments were then photographed.

5. Samples 1-3 used in the experiments are further defined below.

Sample 1: A product according to the invention described in U.S. Application No. 10/743,864 (mezaik stretch fiber)

Thickness: 75 μm

Width: 1.2 mm

Material: Polyethylene

Adhesive: Acrylic adhesive for skin

Sample 2: Thermoplastic polyurethane film corresponding to surgical drape of Hodgson (*1)

Distributor: smith&nephew Wound Management KK.

Manufacturing Number: 66800339 (OPSITE QUICKROLL 2WAY)

Thickness (*2): 60 μm

Main use: Protection, fixation, and waterproofing of skin

Material: Polyurethane

Adhesive: Acrylic adhesive

*1: Materials described in lines 69 to 74 of column 5 of Hodgson are materials constituting the tape of Hodgson. Therefore, the above-mentioned polyurethane film was selected and obtained from products made by Smith & Nephew who is an assignee of Hodgson, and the polyurethane film cut to 1.2 mm width similarly to the sample 1 was used.

*2: As for the thickness of the film, there was no description on its package, manual, and so on. Accordingly, the thickness was confirmed by making inquiry to a product reference by phone (03-5403-8930).

Sample 3: Polyethylene film corresponding to a cosmetic tape of Clavin (*3)

Distributor: 3M Health Care Limited.

Product number: 1517 (both-sided adhesive tape for attachment to the skin)

Thickness: 25 μm

Main usage: Fixation of various kinds of medical apparatus with respect to the skin

Material: Polyethylene

Adhesive: Acrylic adhesive for skin

*3: The product of model number described in lines 38 to 41 of column 5 of Clavin had already been discontinued, and hence the above-mentioned polyethylene was selected and obtained from products made by 3M, and the polyethylene cut to 1.2 mm width similarly to the samples 1 and 2 was used.

6. The results of the experiments are shown below.

A. State of the examinee's usual eyelid

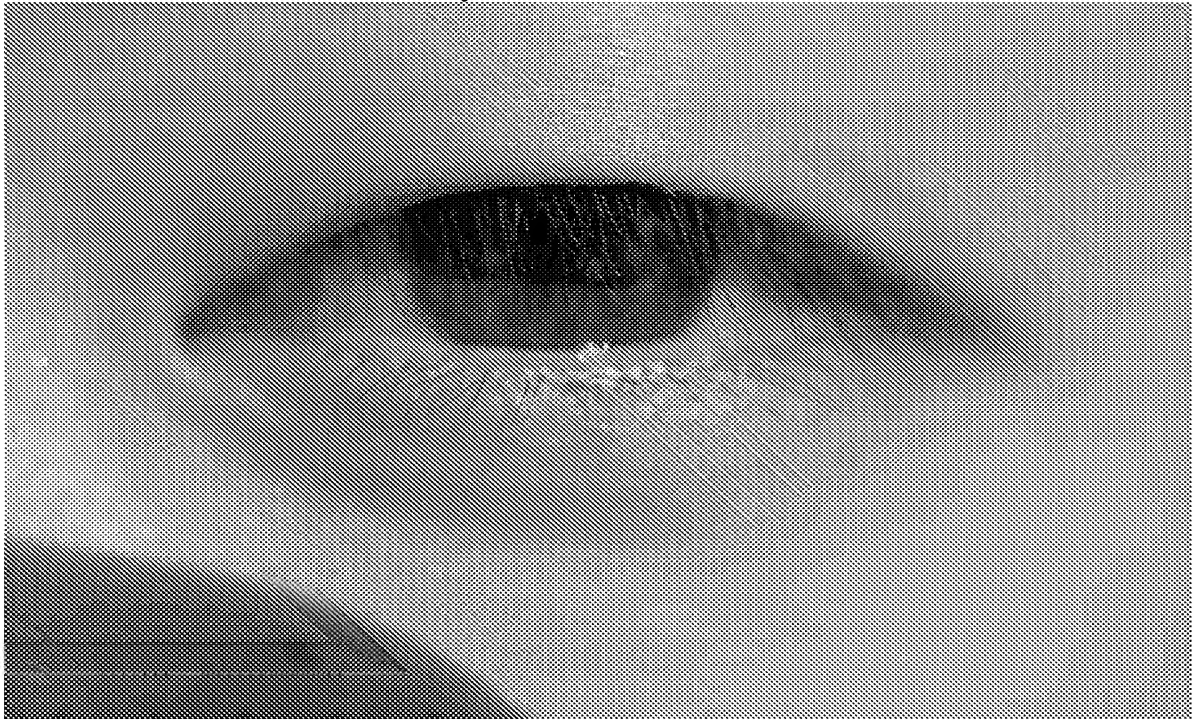


Photo 1: No attachment/ Opened eye



Photo 2: No attachment/ Closed eye

B. State where sample 1 is attached to the eyelid of the examinee



Photo 3: Sample 1 is attached/ Closed eye

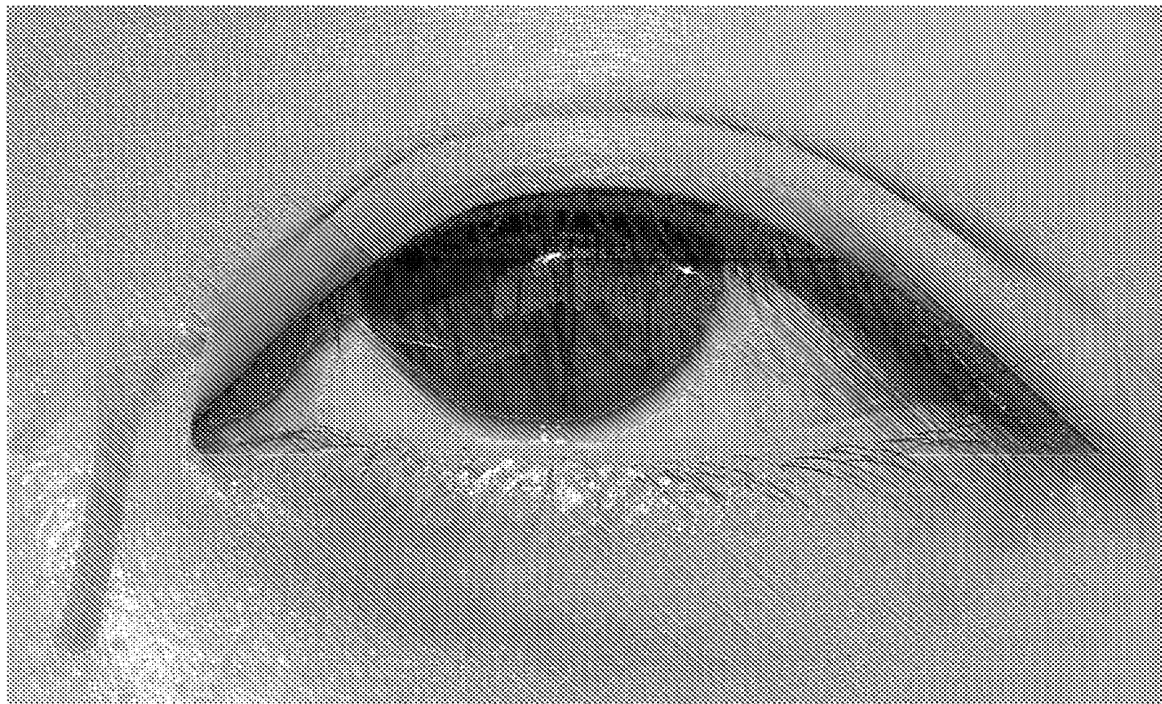


Photo 4: Sample 1 is attached/ Opened eye

C. State where sample 2 is attached to the eyelid of the examinee



Photo 5: Sample 2 is attached/ Closed eye



Photo 6: Sample 2 is attached/ Opened eye

D. State where sample 3 is attached to the eyelid of the examinee

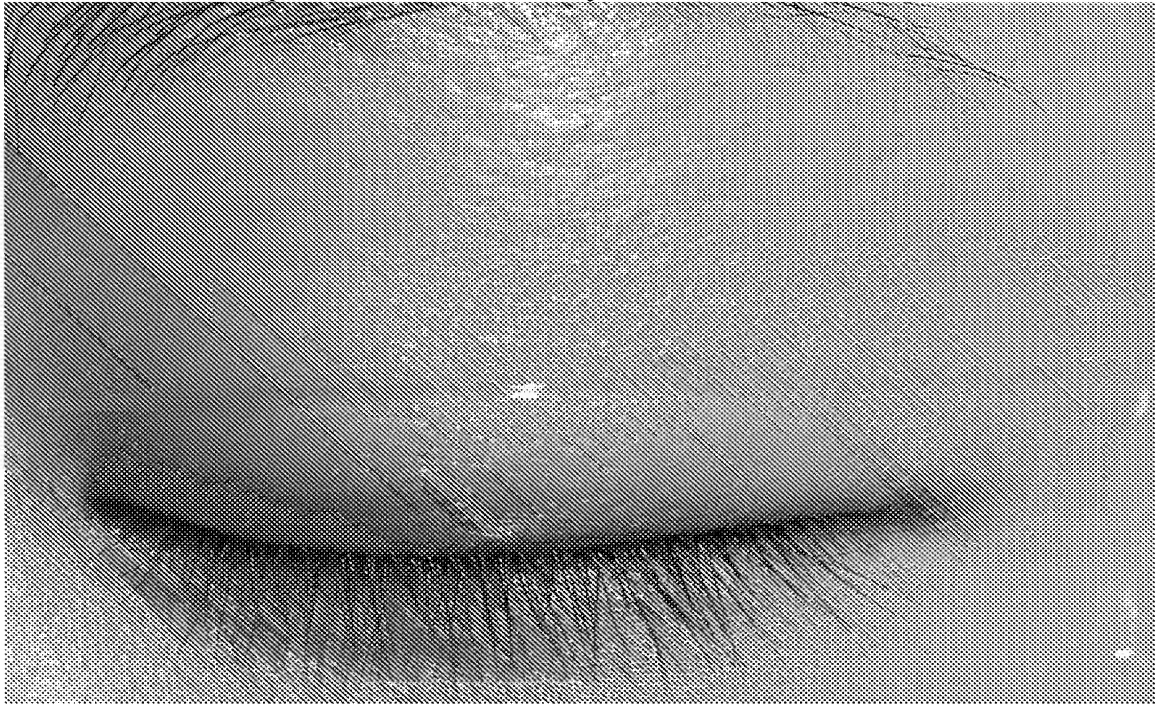


Photo 7: Sample 3 is attached/ Closed eye



Photo 8: Sample 3 is attached/ Opened eye

7. Evaluation of results of experiments.

Sample 1: Moderate shrinkage of the tape causes the tape to moderately bite into the skin of the eyelid (Photo 3) to thereby form a natural double eyelid without causing a feeling of strangeness (photo 4). In addition, vertical wrinkles are not formed on the skin to which the tape is attached (Photo 3 and Photo 4), and the examinee did not complain of an unpleasant feeling caused by a twitch.

Sample 2: Because of the excessive shrinkage of the tape, the tape excessively bites into the eyelid (Photo 5), and unnatural deformations which cause a feeling of strangeness are formed on the eyelid. In addition, on the skin to which the tape is attached, a number of conspicuous vertical wrinkles are formed toward the tape (Photo 5 and Photo 6), and the examinee actually complained of an unpleasant feeling caused by a twitch.

Sample 3: The shrinking force of the tape is smaller than the tension of the skin of the eyelid, and hence the biting of the tape into the skin of the eyelid caused by the shrinkage was not found (Photo 7), and the double eyelid was also not formed (Photo 8).

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

9. Further declarants saith not

Hideyuki Nojiri
Hideyuki Nojiri

April 5, 2011
Date